ASSEMBLY, No. 5418

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 1, 2021

Sponsored by:
Assemblyman RONALD S. DANCER
District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Concerns definition of veteran for civil service hiring preference.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning civil service hiring preference for veterans and amending N.J.S.11A:5-1.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. 11A:5-1. As used in this chapter:

a. "Disabled veteran" means any veteran who is eligible to be compensated for a service-connected disability from **[**war**]** active duty service by the United States Veterans Administration or who receives or is entitled to receive equivalent compensation for a service-connected disability which arises out of military or naval service as set forth in this chapter and who has submitted sufficient evidence of the record of disability incurred in the line of duty to the Adjutant General of the Department of Military and Veterans' Affairs and received a determination of status no later than eight days prior to the issuance of an employment list, for which that individual received a passing score on an examination;

b. "Veteran" means any honorably discharged soldier, sailor, marine or nurse who served in any army or navy of the allies of the United States in World War I, between July 14, 1914 and November 11, 1918, or who served in any army or navy of the allies of the United States in World War II, between September 1, 1939 and September 2, 1945 and who was inducted into that service through voluntary enlistment, and was a citizen of the United States at the time of the enlistment, and who did not renounce or lose his or her United States citizenship; or any soldier, sailor, marine, airman, nurse or army field clerk, who has served in the active military or naval service of the United States and has been discharged or released under other than dishonorable conditions from that service in any of the following wars or conflicts and who has presented to the Adjutant General of the Department of Military and Veterans' Affairs sufficient evidence of the record of service and received a determination of status no later than eight days prior to the issuance of an employment list, for which that individual received a passing score on an examination:

(1) World War I, between April 6, 1917 and November 11, 1918;

(2) World War II, on or after September 16, 1940, who shall have served **[**at least 90 days**]** beginning on or before December 31, 1946 in **[**such**]** active service**[**, exclusive of any period of assignment for a course of education or training under the Army Specialized Training Program or the Navy College Training Program, which course was a continuation of a civilian course and was pursued to completion, or as a cadet or midshipman at one of

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

the service academies; except that any person receiving an actual service-incurred injury or disability shall be classed a veteran whether or not that person has completed the 90-day service**]**;

(3) Korean conflict, on or after June 23, 1950, who shall have served **[**at least 90 days**]** beginning on or before January 31, 1955, in active service**[**, exclusive of any period of assignment for a course of education or training under the Army Specialized Training Program or the Navy College Training Program, which course was a continuation of a civilian course and was pursued to completion, or as a cadet or midshipman at one of the service academies; except that any person receiving an actual service-incurred injury or disability shall be classed as a veteran, whether or not that person has completed the 90-day service**]**;

(4) Lebanon crisis, on or after July 1, 1958, who has served in Lebanon or in another area in the region, or on board any ship **[**actively engaged**]** in **[**patrolling**]** the territorial waters of that nation **[**for a period, continuous or in the aggregate, of at least 14 days**]** commencing on or before November 1, 1958 or the date of termination of that conflict, as proclaimed by the President of the United States or Congress, whichever date of termination is the latest, in such active service; **[**provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;**]**

(5) Vietnam conflict, on or after December 31, 1960, who shall have served **[**at least 90 days**]** beginning on or before May 7, 1975, in active service**[**, exclusive of any period of assignment for a course of education or training under the Army Specialized Training Program or the Navy College Training Program, which course was a continuation of a civilian course and was pursued to completion, or as a cadet or midshipman at one of the service academies, and exclusive of any service performed pursuant to the provisions of section 511(d) of Title 10, United States Code, or exclusive of any service performed pursuant to enlistment in the National Guard or the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve; except that any person receiving an actual service-incurred injury or disability shall be classed as a veteran, whether or not that person has completed the 90-day service as provided**]**;

(6) Lebanon peacekeeping mission, on or after September 26, 1982, who has served in Lebanon or in another area in the region, or on board any ship **[**actively engaged**]** in **[**patrolling**]** the territorial waters of that nation **[**for a period, continuous or in the aggregate, of at least 14 days**]** commencing on or before December 1, 1987 or the date of termination of that mission, as proclaimed by the President of the United States or Congress, whichever date of

termination is the latest, in such active service; [provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;]

(7) Grenada peacekeeping mission, on or after October 23, 1983, who has served in Grenada or in another area in the region, or on board any ship [actively engaged] in [patrolling] the territorial waters of that nation [for a period, continuous or in the aggregate, of at least 14 days] commencing on or before November 21, 1983 or the date of termination of that mission, as proclaimed by the President of the United States or Congress, whichever date of termination is the latest, in such active service; [provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided];

(8) Panama peacekeeping mission, on or after December 20, 1989 or the date of inception of that mission, as proclaimed by the President of the United States or Congress, whichever date of inception is earliest, who has served in Panama or in another area in the region, or on board any ship [actively engaged] in [patrolling] the territorial waters of that nation [for a period, continuous or in the aggregate, of at least 14 days] commencing on or before January 31, 1990 or the date of termination of that mission, as proclaimed by the President of the United States or Congress, whichever date of termination is the latest, in such active service; [provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided];

(9) Operation "Desert Shield/Desert Storm" mission in the Arabian peninsula and the Persian Gulf, on or after August 2, 1990 or the date of inception of that operation, as proclaimed by the President of the United States or Congress, whichever date of inception is earliest, who has served in the Arabian peninsula or on board any ship [actively engaged] in [patrolling] the Persian Gulf [for a period, continuous or in the aggregate, of at least 14 days] commencing on or before the date of termination of that mission, as proclaimed by the President of the United States or Congress, whichever date of termination is the latest, in such active service; [provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;]

(10) Operation Northern Watch and Operation Southern Watch, on or after August 27, 1992, or the date of inception of that operation, as proclaimed by the President of the United States, Congress or United States Secretary of Defense, whichever date of inception is earliest, who served in the theater of operation,

including in the Arabian peninsula and the Persian Gulf, and in [direct] support of that operation [for a period, continuously or in the aggregate, of at least 14 days] in such active service commencing on or before the date of termination of that operation, as proclaimed by the President of the United States, Congress or United States Secretary of Defense, whichever date of termination is the latest; [provided, that any person receiving an actual service-incurred injury or disability while engaged in such service shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;]

(11) Operation "Restore Hope" in Somalia, on or after December 5, 1992, or the date of inception of that operation as proclaimed by the President of the United States or the Congress, whichever date is earliest, who has served in Somalia or in another area in the region, or on board any ship [actively engaged] in [patrolling] the territorial waters of that nation [for a period, continuously or in the aggregate, of at least 14 days] in such active service commencing on or before March 31, 1994; [provided that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14-day service as herein provided;]

(12) Operations "Joint Endeavor" and "Joint Guard" in the Republic of Bosnia and Herzegovina, on or after November 20, 1995, who served in such active service in [direct] support of one or both of the operations [for at least 14 days, continuously or in the aggregate,] commencing on or before June 20, 1998, and (1) was deployed in that nation or in another area in the region, or (2) was on board a United States naval vessel operating in the Adriatic Sea, or (3) operated in airspace above the Republic of Bosnia and Herzegovina; [provided that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person completed the 14-day service requirement;]

(13) Operation "Uphold Democracy" in Haiti, on or after September 19, 1994, who served in Haiti or on board any ship [actively engaged] in [patrolling] the territorial waters of that nation [for a period, continuously or in the aggregate, of at least 14 days] in such active service commencing on or before March 31, 1995, and who received an Armed Forces Expeditionary Medal for such service; [provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided or received an Armed Forces Expeditionary Medal;]

(14) Operation "Enduring Freedom", on or after September 11, 2001, who served in [a theater of operation and in direct] support of that operation [for a period, continuously or in the aggregate, of at least 14 days] in such active service commencing on or before

the date the President of the United States or the United States Secretary of Defense designates as the termination date of that operation; [provided, that any person receiving an actual service-incurred injury or disability while engaged in such service shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;] and

(15) Operation "Iraqi Freedom", on or after the date the President of the United States or the United States Secretary of Defense designates as the inception date of that operation, who served in Iraq or in another area in the region in [direct] support of that operation [for a period, continuously or in the aggregate, of at least 14 days] in such active service commencing on or before the date the President of the United States or the United States Secretary of Defense designates as the termination date of that operation; [provided, that any person receiving an actual service-incurred injury or disability while engaged in such service shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;]

c. [**"War service" means service by a veteran in any war or conflict described in this chapter during the periods specified.**] Deleted by amendment, PL. , c. (pending before the Legislature as this bill)

d. "Disabled veteran" and "Veteran" also means an individual who served in the active military of the Armed Forces of the United States, was discharged or released under other than dishonorable conditions from that service, applies for civil service preference for veterans in this State on or after the date of enactment of P.L , c. (pending before the Legislature as this bill), and meets the criteria set forth in the definition of "disabled veteran" or "veteran" under 5 U.S.C s.2108.

(cf: P.L.2007, c.115, s.1)

2. This act shall take effect on the 60th day after the date of enactment.

STATEMENT

Under current law, a veteran is eligible for a civil service hiring preference if the person served during specified dates or in specified locations, and in some instances, for a specific length of time.

This bill changes the definition of veteran for civil service hiring preference by removing the requirement of service for specific lengths of time and broadens the specified locations for eligibility.

This bill also adds a definition of disabled veteran and veteran to include persons who served in the active military of the Armed Forces of the United States, was discharged or released under other

than dishonorable conditions, applies for civil service preference on or after the date of enactment of this bill, and meets the criteria set forth in the definition of disabled veteran or veteran under federal law.

This bill will not impact the eligibility status of any veteran currently eligible for a civil service preference. The bill will expand the number of veterans eligible for a civil service preference.

For veterans who would be eligible under federal law pursuant to this bill but who did not serve in time of war or conflict, the changes provided by this bill will apply only if an amendment to the State constitution is approved by the voters to permit such veterans to receive the benefit.